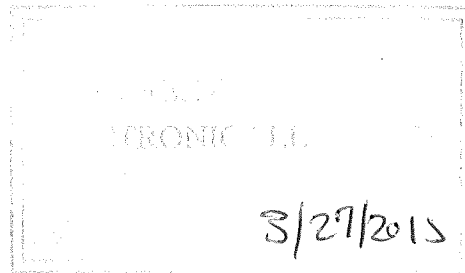


VIA ECF

March 26, 2015

The Honorable Denise L. Cote
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1610
New York, NY 10007-1312



Re: FHFA v Nomura. Am. Holdings, Inc. et al., No 11 Civ. 6201 (S.D.N.Y.) (DLC)

Dear Judge Cote:

On behalf of Plaintiff Federal Housing Finance Agency ("FHFA"), we write to request respectfully that the Court strike "Defendants' Memorandum In Response To Plaintiffs' 'Proposed Conclusions Of Law' and Plaintiffs' 'Opposition to Defendants' Pretrial Memorandum Of Law'" ("Brief"). If the Court does not strike that Brief, FHFA respectfully requests leave to file the attached response.

This Court set the date for pre-trial submissions as February 20, 2015. Dkt. 1119. On February 20, among other things, FHFA submitted proposed Conclusions of Law, Dkt 1478, and Defendants filed a Pretrial Memorandum Of Law. Pursuant to the Court's Individual Practices In Civil Cases, Rule 5.D.iii, FHFA was entitled to file an Opposition to Defendants' Pretrial Memorandum within one week, which it did on February 27, 2015.

The Court's Individual Practices make no provision for Defendants' to file a response to either FHFA's proposed Conclusions Of Law or to FHFA's Opposition brief. Defendants did not seek leave of Court to file those papers, they did not attempt to show why good cause exists to allow that filing, and no such good cause exists. Accordingly, FHFA requests that the Court strike Defendant's Brief. Should the Court receive and consider that Brief, FHFA seeks leave to file the attached response, so that it might address a new argument raised by Defendants.

Respectfully submitted,

/s/ Philippe Z. Selendy

Philippe Z. Selendy

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

Counsel for Plaintiff Federal Housing Finance Agency

CC: Counsel of record

MEMO ENDORSED
*The defendant have raised
a new argument not contained
in their 2/20/15 submissions.
FHFA's 3/26 filing in response
is accepted.*
Philippe Z. Selendy
3/27/15